

Showing Current Law as Amended by H.R. 1527, the “Simplifying Outdoor Access for Recreation Act” or the “SOAR Act”

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Section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801)

(Sec. 802) §6801. Definitions

In this Act:

[(3)] (1) Entrance fee

The term "entrance fee" means the recreation fee authorized to be charged to enter onto lands managed by the National Park Service or the United States Fish and Wildlife Service.

(2) Expanded amenity recreation fee

The term "expanded amenity recreation fee" means the recreation fee authorized by [section 3(g)] section 803(g).

[(4)] (3) Federal land management agency

The term "Federal land management agency" means the National Park Service, the United States Fish and Wildlife Service, the Bureau of Land Management, the Bureau of Reclamation, or the Forest Service.

[(5)] (4) Federal recreational lands and waters

The term "Federal recreational lands and waters" means lands or waters managed by a Federal land management agency.

[(6)] (5) National Parks and Federal Recreational Lands Pass

The term "National Parks and Federal Recreational Lands Pass" means the interagency national pass authorized by [section 5] section 805.

[(7)] (6) Passholder

The term "passholder" means the person who is issued a recreation pass.

[(8)] (7) Recreation fee

The term "recreation fee" means an entrance fee, standard amenity recreation fee, expanded amenity recreation fee, or special recreation permit fee.

[(9)] (8) Recreation pass

The term "recreation pass" means the National Parks and Federal Recreational Lands Pass or one of the other recreation passes available as authorized by [section 5] section 805.

(9) RECREATION SERVICE PROVIDER.—The term “recreation service provider” means an individual or entity that—

- (A) provides outfitting, guiding, or other recreation services; or
- (B) conducts recreational or competitive events, including incidental sales.

[(11)] (10) Secretaries

The term "Secretaries" means the Secretary of the Interior and the Secretary of Agriculture acting jointly.

[(10)] (11) Secretary

The term "Secretary" means-

- (A) the Secretary of the Interior, with respect to a Federal land management agency (other than the Forest Service); and
- (B) the Secretary of Agriculture, with respect to the Forest Service.

(12) Special account

The term "special account" means the special account established in the Treasury under [section 7] section 807 for a Federal land management agency.

(13) SPECIAL RECREATION PERMIT.—The term "special recreation permit" means a permit issued by a Federal Land Management Agency for specialized individual or group uses of Federal recreational lands and waters, including—

- (A) for outfitting, guiding, or other recreation services;
- (B) for recreation or competitive events, which may include incidental sales;
- (C) for the use of—
 - (i) a special area; or
 - (ii) an area in which use is allocated;
- (D) for motorized recreational vehicle use in compliance with an applicable travel management plan or other regulations; and
- (E) for a group activity or event.

[(13)] (14) Special recreation permit fee

The term "special recreation permit fee" means the fee authorized by [section 3(h)] section 803(h).

[(1)] (15) Standard amenity recreation fee

The term "standard amenity recreation fee" means the recreation fee authorized by [section 3(f)] section 803(f).

Section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802)

(Sec. 803) §6802. Recreation fee authority

(a) Authority of Secretary

Beginning in fiscal year 2005 and thereafter, the Secretary may establish, modify, charge, and collect recreation fees at Federal recreational lands and waters as provided for in this section.

(b) Basis for recreation fees

Recreation fees shall be established in a manner consistent with the following criteria:

- (1) The amount of the recreation fee shall be commensurate with the benefits and services provided to the visitor.
- (2) The Secretary shall consider the aggregate effect of recreation fees on recreation users and recreation service providers.
- (3) The Secretary shall consider comparable fees charged elsewhere and by other public agencies and by nearby private sector operators.
- (4) The Secretary shall consider the public policy or management objectives served by the recreation fee.

(5) The Secretary shall obtain input from the appropriate Recreation Resource Advisory Committee, as provided in [\[section 4\(d\)\]](#) [section 804\(d\)](#).

(6) The Secretary shall consider such other factors or criteria as determined appropriate by the Secretary.

(c) Special considerations

The Secretary shall establish the minimum number of recreation fees and shall avoid the collection of multiple or layered recreation fees for similar uses, activities, or programs.

(d) Limitations on recreation fees

(1) Prohibition on fees for certain activities or services

The Secretary shall not charge any standard amenity recreation fee or expanded amenity recreation fee for Federal recreational lands and waters administered by the Bureau of Land Management, the Forest Service, or the Bureau of Reclamation under this chapter for any of the following:

(A) Solely for parking, undesignated parking, or picnicking along roads or trailsides.

(B) For general access unless specifically authorized under this section.

(C) For dispersed areas with low or no investment unless specifically authorized under this section.

(D) For persons who are driving through, walking through, boating through, horseback riding through, or hiking through Federal recreational lands and waters without using the facilities and services.

(E) For camping at undeveloped sites that do not provide a minimum number of facilities and services as described in subsection (g)(2)(A).

(F) For use of overlooks or scenic pullouts.

(G) For travel by private, noncommercial vehicle over any national parkway or any road or highway established as a part of the Federal-aid System, as defined in [section 101 of title 23](#),¹ which is commonly used by the public as a means of travel between two places either or both of which are outside any unit or area at which recreation fees are charged under this chapter.

(H) For travel by private, noncommercial vehicle, boat, or aircraft over any road or highway, waterway, or airway to any land in which such person has any property right if such land is within any unit or area at which recreation fees are charged under this chapter.

(I) For any person who has a right of access for hunting or fishing privileges under a specific provision of law or treaty.

(J) For any person who is engaged in the conduct of official Federal, State, Tribal, or local government business.

(K) For special attention or extra services necessary to meet the needs of the disabled.

(2) Relation to fees for use of highways or roads

An entity that pays a special recreation permit fee or similar permit fee shall not be subject to a road cost-sharing fee or a fee for the use of highways or roads that are open to private, noncommercial use within the boundaries of any Federal recreational lands or waters, as authorized under [section 537 of this title](#).

(3) Prohibition on fees for certain persons or places

The Secretary shall not charge an entrance fee or standard amenity recreation fee for the following:

(A) Any person under 16 years of age.

(B) Outings conducted for noncommercial educational purposes by schools or bona fide academic institutions.

(C) The U.S.S. Arizona Memorial, Independence National Historical Park, any unit of the National Park System within the District of Columbia, or Arlington House-Robert E. Lee National Memorial.

(D) The Flight 93 National Memorial.

(E) Entrance on other routes into the Great Smoky Mountains National Park or any part thereof unless fees are charged for entrance into that park on main highways and thoroughfares.

(F) Entrance on units of the National Park System containing deed restrictions on charging fees.

(G) An area or unit covered under section 203 of the Alaska National Interest Lands Conservation Act (Public Law 96–487; [16 U.S.C. 410hh–2](#)), with the exception of Denali National Park and Preserve.

(H) A unit of the National Wildlife Refuge System created, expanded, or modified by the Alaska National Interest Lands Conservation Act (Public Law 96–487).

(I) Any person who visits a unit or area under the jurisdiction of the United States Fish and Wildlife Service and who has been issued a valid migratory bird hunting and conservation stamp issued under [section 718b of this title](#).

(J) Any person engaged in a nonrecreational activity authorized under a valid permit issued under any other Act, including a valid grazing permit.

(4) No restriction on recreation opportunities

Nothing in this chapter shall limit the use of recreation opportunities only to areas designated for collection of recreation fees.

(e) Entrance fee

(1) Authorized sites for entrance fees

The Secretary of the Interior may charge an entrance fee for a unit of the National Park System, including a national monument administered by the National Park Service, or for a unit of the National Wildlife Refuge System.

(2) Prohibited sites

The Secretary shall not charge an entrance fee for Federal recreational lands and waters managed by the Bureau of Land Management, the Bureau of Reclamation, or the Forest Service.

(f) Standard amenity recreation fee

Except as limited by subsection (d), the Secretary may charge a standard amenity recreation fee for Federal recreational lands and waters under the jurisdiction of the Bureau of Land Management, the Bureau of Reclamation, or the Forest Service, but only at the following:

(1) A National Conservation Area.

(2) A National Volcanic Monument.

(3) A destination visitor or interpretive center that provides a broad range of interpretive services, programs, and media.

(4) An area-

(A) that provides significant opportunities for outdoor recreation;

(B) that has substantial Federal investments;

(C) where fees can be efficiently collected; and

(D) that contains all of the following amenities:

(i) Designated developed parking.

(ii) A permanent toilet facility.

(iii) A permanent trash receptacle.

(iv) Interpretive sign, exhibit, or kiosk.

- (v) Picnic tables.
- (vi) Security services.

(g) Expanded amenity recreation fee

(1) NPS and USFWS authority

Except as limited by subsection (d), the Secretary of the Interior may charge an expanded amenity recreation fee, either in addition to an entrance fee or by itself, at Federal recreational lands and waters under the jurisdiction of the National Park Service or the United States Fish and Wildlife Service when the Secretary of the Interior determines that the visitor uses a specific or specialized facility, equipment, or service.

(2) Other Federal land management agencies

Except as limited by subsection (d), the Secretary may charge an expanded amenity recreation fee, either in addition to a standard amenity fee or by itself, at Federal recreational lands and waters under the jurisdiction of the Forest Service, the Bureau of Land Management, or the Bureau of Reclamation, but only for the following facilities or services:

- (A) Use of developed campgrounds that provide at least a majority of the following:
 - (i) Tent or trailer spaces.
 - (ii) Picnic tables.
 - (iii) Drinking water.
 - (iv) Access roads.
 - (v) The collection of the fee by an employee or agent of the Federal land management agency.
 - (vi) Reasonable visitor protection.
 - (vii) Refuse containers.
 - (viii) Toilet facilities.
 - (ix) Simple devices for containing a campfire.
- (B) Use of highly developed boat launches with specialized facilities or services such as mechanical or hydraulic boat lifts or facilities, multi-lane paved ramps, paved parking, restrooms and other improvements such as boarding floats, loading ramps, or fish cleaning stations.
- (C) Rental of cabins, boats, stock animals, lookouts, historic structures, group day-use or overnight sites, audio tour devices, portable sanitation devices, binoculars or other equipment.
- (D) Use of hookups for electricity, cable, or sewer.
- (E) Use of sanitary dump stations.
- (F) Participation in an enhanced interpretive program or special tour.
- (G) Use of reservation services.
- (H) Use of transportation services.
- (I) Use of areas where emergency medical or first-aid services are administered from facilities staffed by public employees or employees under a contract or reciprocal agreement with the Federal Government.
- (J) Use of developed swimming sites that provide at least a majority of the following:
 - (i) Bathhouse with showers and flush toilets.
 - (ii) Refuse containers.
 - (iii) Picnic areas.
 - (iv) Paved parking.
 - (v) Attendants, including lifeguards.
 - (vi) Floats encompassing the swimming area.

(vii) Swimming deck.

[(h) Special recreation permit fee]

The Secretary may issue a special recreation permit, and charge a special recreation permit fee in connection with the issuance of the permit, for specialized recreation uses of Federal recreational lands and waters, such as group activities, recreation events, motorized recreational vehicle use.]

(h) SPECIAL RECREATION PERMIT AND FEE.—

(1) SPECIAL RECREATION PERMIT.—The Secretary may issue a special recreation permit for specialized individual or group uses of Federal recreational lands and waters as defined in section 802(13) of this Act (16 U.S.C. 6801).

(2) SPECIAL RECREATION PERMIT FEE.—

(A) IN GENERAL.—The Secretary may charge a special recreation permit fee in connection with the issuance of a special recreation permit under paragraph (1).

(B) FEES FOR CERTAIN LANDS.—

(i) IN GENERAL.—Subject to clauses (ii) and (iii), a special recreation permit fee under subparagraph (A) for use of Federal recreational lands and waters managed by the Forest Service, the Bureau of Land Management, the Bureau of Reclamation, or the United States Fish and Wildlife Service shall not exceed the difference between—

(I) the sum of—

(aa) 3 percent of the annual gross revenue of the recreation service provider for all activities authorized by the special recreation permit; and

(bb) any applicable revenue addition; and

(II) any applicable revenue exclusion.

(ii) EXCLUSION OF CERTAIN REVENUES AND PAYMENTS.—In calculating the amount of a fee for a special recreation permit under clause (i), the Secretary concerned shall exclude—

(I) revenue from goods, services, souvenirs, merchandise, gear, food, and activities provided or sold by a special recreation permit holder in a location other than the Federal recreational lands and waters covered by the permit, including transportation costs, lodging, and any other service before or after a trip; and

(II) revenue from any recreation services provided by a special recreation permit holder for activities on Federal recreational lands and waters for which a separate permit is issued.

(iii) ALTERNATIVE PER-PERSON FEE.—

(I) IN GENERAL.—For Federal recreational lands and waters managed by the Forest Service, the Bureau of Land Management, the Bureau of Reclamation, or the United States Fish and Wildlife Service, the Secretary may charge a per-person fee in connection with the issuance of a special recreation permit under paragraph (1).

(II) AMOUNT OF FEE.—The total amount charged by the Secretary in connection with the issuance of a special recreation permit under paragraph (1) using a per-person fee under subclause (I) shall not exceed the amount the Secretary may charge for a special recreation permit fee under subparagraph (A) and clauses (i) and (ii).

(iv) EFFECT.—Nothing in this subparagraph affects any fee for a commercial use authorization for use of Federal recreational lands and waters managed by the National Park Service.

(C) DISCLOSURE OF FEES.—A special recreation permit holder may inform customers of any fee charged by the Secretary under this section.

(3) REPORTS.—

(A) IN GENERAL.—The Secretary shall make available to holders of special recreation permits under paragraph (1) and the public an annual report describing the use of fees collected by the Secretary under paragraph (2).

(B) REQUIREMENTS.—The report under subparagraph (A) shall include a description of how the fees are used in each Federal land unit (as defined in section 2 of the SOAR Act) administered by the Secretary, including an identification of the amounts used for specific activities within the Federal land unit.

Section 808 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6807)

(Sec. 808) §6807. Expenditures

(a) Use of fees at specific site or area

Amounts available for expenditure at a specific site or area-

(1) shall be accounted for separately from the amounts collected;

(2) may be distributed agency-wide; and

(3) shall be used only for-

(A) repair, maintenance, and facility enhancement related directly to visitor enjoyment, visitor access, and health and safety;

(B) interpretation, visitor information, visitor service, visitor needs assessments, and signs;

(C) habitat restoration directly related to wildlife-dependent recreation that is limited to hunting, fishing, wildlife observation, or photography;

(D) law enforcement related to public use and recreation;

(E) direct operating or capital costs associated with the recreation fee program; and

(F) a fee management agreement established under [section 6(a)] section 806(a) or a visitor reservation service.

(b) USE OF SPECIAL RECREATION PERMIT FEE REVENUE.—Revenue from a special recreation permit fee may be used for—

(1) the purposes described in subsection (a); and

(2) expenses—

(A) associated with issuing and administering special recreation permits; and

(B) incurred in the improvement of the operation of the special recreation permit system.

[(b)] (c) Limitation on use of fees

The Secretary may not use any recreation fees for biological monitoring on Federal recreational lands and waters under the Endangered Species Act of 1973 [16 U.S.C. 1531 et seq.] for listed or candidate species.

[(c)] (d) Administration, overhead, and indirect costs

The Secretary may use not more than an average of 15 percent of total revenues collected under this chapter for administration, overhead, and indirect costs related to the recreation fee program by that Secretary.

[(d)] (e) Transitional exception

Notwithstanding any other provision of this chapter, the Secretary may use amounts available in the special account of a Federal land management agency to supplement administration and marketing costs associated with-

- (1) the National Parks and Federal Recreational Lands Pass during the 5-year period beginning on the date the joint guidelines are issued under [section 5] section 805(a)(7); and
- (2) a regional multientity pass authorized [section 5(d)] section 805 during the 5-year period beginning on the date the regional multientity pass agreement for that recreation pass takes effect.

Section 810 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6809)

(Sec. 810) §6809. Sunset provision

[The authority] (a) IN GENERAL.—Except as provided in subsection (b), the authority of the Secretary to carry out this chapter shall terminate September 30, 2019.

(b) APPLICABILITY.—Subsection (a) shall not apply to—

- (1) section 802;
- (2) subsection (d)(2) or (h) of section 803; or
- (3) subsection (a), (b) or (c) of section 808.

Section 805 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6804)

(Sec. 805) §6804. Recreation passes

(a) America the Beautiful-the National Parks and Federal Recreational Lands Pass

(1) Availability and use

The Secretaries shall establish, and may charge a fee for, an interagency national pass to be known as the "America the Beautiful-the National Parks and Federal Recreational Lands Pass", which shall cover the entrance fee and standard amenity recreation fee for all Federal recreational lands and waters for which an entrance fee or a standard amenity recreation fee is charged.

(2) Image competition for recreation pass

The Secretaries shall hold an annual competition to select the image to be used on the National Parks and Federal Recreational Lands Pass for a year. The competition shall be

open to the public and used as a means to educate the American people about Federal recreational lands and waters.

(3) Notice of establishment

The Secretaries shall publish a notice in the Federal Register when the National Parks and Federal Recreational Lands Pass is first established and available for purchase.

(4) Duration

The National Parks and Federal Recreational Lands Pass shall be valid for a period of 12 months from the date of the issuance of the recreation pass to a passholder, except in the case of the age discount and lifetime passes issued under subsection (b).

(5) Price

The Secretaries shall establish the price at which the National Parks and Federal Recreational Lands Pass will be sold to the public.

(6) Sales locations and marketing

[(A) In general]

The Secretary shall sell the National Parks and Federal Recreational Lands Pass at all Federal recreational lands and waters at which an entrance fee or a standard amenity recreation fee is charged and at such other locations as the Secretaries consider appropriate and feasible.]

(A) In general.—The Secretaries shall sell the America the Beautiful—the National Parks and Federal Recreational Lands Pass—

- (i) at all Federal recreational lands and waters at which an entrance fee or a standard amenity recreation fee is charged where feasible to do so;
- (ii) at such other locations as the Secretaries consider appropriate and feasible; and
- (iii) through the website of each of the Federal land management agencies and the websites of the relevant units and subunits of those agencies, with—
 - (I) a prominent link on each website; and
 - (II) information about where and when passes are needed.

(B) Use of vendors

The Secretary may enter into fee management agreements as provided in [section 6805 of this title](#).

(C) Marketing

The Secretaries shall take such actions as are appropriate to provide for the active marketing of the National Parks and Federal Recreational Lands Pass.

(7) Administrative guidelines

The Secretaries shall issue guidelines on administration of the National Parks and Federal Recreational Lands Pass, which shall include agreement on price, the distribution of revenues between the Federal land management agencies, the sharing of costs, benefits provided, marketing and design, adequate documentation for discounts under subsection (b), and the issuance of that recreation pass to volunteers. The Secretaries shall take into consideration all relevant visitor and sales data available in establishing the guidelines.

(8) Development and implementation agreements

The Secretaries may enter into cooperative agreements with governmental and nongovernmental entities for the development and implementation of the National Parks and Federal Recreational Lands Pass Program.

(9) Prohibition on other national recreation passes

The Secretary may not establish any national recreation pass, except as provided in this section.

(b) Free and discounted passes

(1) Age discount

(A) The Secretary shall make the National Parks and Federal Recreational Lands Pass available to any United States citizen or person domiciled in the United States who is 62 years of age or older, if the citizen or person provides adequate proof of such age and such citizenship or residency. The National Parks and Federal Recreational Lands Pass made available under this paragraph shall be available-

- (i) for a period of 12 months from the date of the issuance, at a cost of \$20; and
- (ii) for the lifetime of the passholder, at a cost equal to the cost of the National Parks and Federal Recreational Lands Pass purchased under subsection (a).

(B) The Secretary shall issue a pass under subparagraph (A)(ii), for no additional cost, to any individual who provides evidence, under policies and guidelines determined by the Secretary, that the individual has purchased a pass under subparagraph (A)(i) for each of the 4 years prior to being issued a pass under this subparagraph.

(2) Lifetime passes

The Secretary shall make the National Parks and Federal Recreational Lands Pass available, without charge and for the lifetime of the passholder, to the following:

(A) Any United States citizen or person domiciled in the United States who has been medically determined to be permanently disabled, within the meaning of the term "disability" under [section 12102 of title 42](#), if the citizen or person provides adequate proof of the disability and such citizenship or residency.

(B) Any veteran who provides adequate proof of military service as determined by the Secretary.

(C) Any member of a Gold Star Family who meets the eligibility requirements of section 3.2 of Department of Defense Instruction 1348.36 (or a successor instruction).

(3) Annual passes

The Secretary shall make the National Parks and Federal Recreational Lands Pass available, at no cost, to members of the Armed Forces and their dependents who provide adequate proof of eligibility for such pass as determined by the Secretary.

(c) Site-specific agency passes

The Secretary may establish and charge a fee for a site-specific pass that will cover the entrance fee or standard amenity recreation fee for particular Federal recreational lands and waters for a specified period not to exceed 12 months.

(d) Regional multientity passes

(1) Passes authorized

The Secretary may establish and charge a fee for a regional multientity pass that will be accepted by one or more Federal land management agencies or by one or more governmental or nongovernmental entities for a specified period not to exceed 12 months. To include a Federal land management agency or governmental or nongovernmental entity over which the Secretary does not have jurisdiction, the Secretary shall obtain the consent of the head of such agency or entity.

(2) Regional multientity pass agreement

In order to establish a regional multientity pass under this subsection, the Secretary shall enter into a regional multientity pass agreement with all the participating agencies or entities on price, the distribution of revenues between participating agencies or entities, the sharing of costs, benefits provided, marketing and design, and the issuance of the pass to volunteers. The Secretary shall take into consideration all relevant visitor and sales data available when entering into this agreement.

(e) Discounted or free admission days or use

The Secretary may provide for a discounted or free admission day or use of Federal recreational lands and waters.

(f) Effect on existing passports and permits

(1) Existing passports

A passport issued under [section 100904 of title 54](#) or title VI of the National Parks Omnibus Management Act of 1998 (Public Law 105–391), such as the Golden Eagle Passport, the Golden Age Passport, the Golden Access Passport, and the National Parks Passport, that was valid on the day before the publication of the Federal Register notice required under subsection (a)(3) shall be valid in accordance with the terms agreed to at the time of issuance of the passport, to the extent practicable, and remain in effect until expired, lost, or stolen.

(2) Permits

A permit issued under [section 100904 of title 54](#) that was valid on the day before December 8, 2004, shall be valid and remain in effect until expired, revoked, or suspended.

SEC. 805A. AVAILABILITY OF FEDERAL AND STATE RECREATION PASSES

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—To improve the availability of Federal and State outdoor recreation passes, the Secretaries are encouraged to consult with States to coordinate the availability of Federal and State recreation passes to allow a purchaser to buy a Federal recreation pass and a State recreation pass in the same transaction.

(2) INCLUDED PASSES.—Passes covered by the program established under paragraph (1) include—

(A) an America the Beautiful—the National Parks and Federal Recreational Lands Pass under section 805; and

(B) any pass covering any fees charged by participating States and localities for entrance and recreational use of parts and public land in the participating States.

(b) AGREEMENTS WITH STATES.—

(1) IN GENERAL.—The Secretaries, after consultation with the States, may enter into agreements with States to coordinate the availability of passes as described in subsection (a).

(2) REVENUE FROM PASS SALES.—The agreements between the Secretaries and the States shall ensure that—

(A) funds from the sale of State passes are transferred to the appropriate State agency;

(B) funds from the sale of Federal passes are transferred to the appropriate Federal agency; and

(C) fund transfers are completed by the end of a fiscal year for all pass sales occurring during the fiscal year.

(3) NOTICE.—In entering into an agreement under paragraph (1), the Secretaries shall publish in the Federal Register a notice describing the agreement.